



14/12/07

29

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Second Appeal No.282 of 2007

Appellant

Ramphal S/o Ronha, aged about 55 years, by caste Gond, Occupation- Cultivation, R/o Village Burbaspur, P.S. and Tahsil Pratappur, District Surguja (C.G.)

Versus

Respondents

1. Suhani, D/o Dirpal, aged about 65 years, by caste Gond, R/o Village Barbaspur, P.S. Pratappur, Tahsil Pratappur, District. Surguja (C.G.)
2. M.P. State through Collector, Surguja now State of Chhattisgarh through Collector, Surguja (C.G.)

Second Appeal under Section 100 of Code of Civil Procedure, 1908

Present : Shri Sunil Tripathi, counsel for the appellant.
Shri Akhil Agrawal, Panel Lawyer for the State/respondent No.2

ORAL ORDER

(Passed on 13th December, 2007)

Heard on admission.

2. The appellant is aggrieved by the judgment and decree 10-05-2007 passed by the Additional District Judge (F.T.C.) Pratappur, District Surguja in Civil Appeal No.10-A/2007 whereby the suit for declaration of title of the appellant was dismissed vide judgment and decree dated 18-11-2004 passed in Civil Suit No.82-A/2003 by Civil Judge, Class-II, Pratappur was affirmed.

3. The only point urged by the learned counsel for the appellant in this appeal is that the trial Court erred in closing the opportunity of the appellant/plaintiff for adducing evidence on 11-03-2003. Learned counsel for



28

the appellant did not dispute that he had preferred a writ petition under Article 227 of Constitution of India which was dismissed on the ground that as many as 11 opportunities were granted to the appellant for adducing evidence and thereafter on 10-01-2003, a last opportunity was granted. When the appellant plaintiff failed to adduce evidence, the right of the plaintiff to adduce evidence was closed.

4. In this view of the matter, no substantial question of law arises for determination in this appeal which is dismissed at the stage of admission.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr